

ORIGINAL

SUPERIOR COURT
YAVAPAI COUNTY, ARIZONA

2011 JUL 22 PM 3:47

SANDRA K MARKHAM, CLERK

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF YAVAPAI

THE STATE OF ARIZONA,

Plaintiff,

vs.

STEVEN CARROLL DEMOCKER,

Defendant.

No. P1300CR2008-1339

BEFORE: THE HONORABLE WARREN R. DARROW
JUDGE PRO TEMPORE OF THE SUPERIOR COURT
DIVISION SIX
YAVAPAI COUNTY, ARIZONA

PRESCOTT, ARIZONA
THURSDAY, JULY 22, 2010
3:15 P.M. - 4:36 P.M.

REPORTER'S PARTIAL TRANSCRIPT OF PROCEEDINGS

JURY TRIAL

TESTIMONY OF LUIS HUANTE

ROXANNE E. TARN, CR
Certified Court Reporter
Certificate No. 50808

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Redirect examination resumed by Mr. Butner

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APPEARANCES

On Behalf of the State:

Mr. Joseph Butner and Mr. Jeffrey Paupore
Yavapai County Attorney's Office

On Behalf of the Defendant:

Mr. John Sears
P.O. Box 4080
Prescott, AZ 86302

Mr. Larry Hammond and Ms. Anne Chapman
Osborn Maledon, P.A.
2929 North Central Ave., 21st Floor
Phoenix, AZ 85012

1 (Whereupon, the jury enters the courtroom.)

2 THE COURT: The record will show the presence
3 of the Defendant, counsel and the jury, and the witness has
4 resumed the stand.

5 Mr. Butner.

6 MR. BUTNER: Thanks, Judge.

7 LUIS HUANTE,
8 previously called as a witness, having been duly sworn,
9 testified further as follows:

10 REDIRECT EXAMINATION RESUMED

11 BY MR. BUTNER:

12 Q. Let me show -- we were talking about the scratches
13 on Mr. DeMocker's right side and there were also the
14 scratches on his left side; right?

15 A. Right.

16 Q. -- or "correct," I should say.

17 And you had all of the scratches
18 photographed; is that correct?

19 A. Yes.

20 Q. Okay. Let me show you what's admitted into
21 evidence as Exhibit 2397.

22 That's a scratch on his left arm; right,
23 or scratches?

24 A. Correct.

25 Q. And those were present, as well as the ones on the

1 right; correct?

2 A. Yes.

3 Q. And, then, this is Exhibit 2399.

4 And where's the scratch depicted in this
5 particular photograph?

6 A. There are some up here.

7 Q. Right.

8 A. And right here.

9 Q. That one on the bottom of his leg there, down
10 toward his ankle, that's the one that was oozing?

11 A. Yes, sir.

12 Q. Okay. And, then, Exhibit 23 -- 2400 is a close-up
13 picture of that same scratch on his left leg; is that
14 correct?

15 A. Yes.

16 Q. Okay. And were you able to, as you put it or as
17 you were asked, "age" any of those scratches?

18 A. That one was recent because at the scene it was
19 oozing still. And even to some degree, it was there oozing
20 when we took the pictures again.

21 Q. And coupled with the inconsistencies in
22 Mr. DeMocker's interview with him, did you consider those
23 scratches, also?

24 MR. SEARS: Leading. Assumes facts not in
25 evidence.

1 THE COURT: Sustained.

2 BY MR. BUTNER:

3 Q. When you were determining whether to consider
4 Mr. DeMocker as a suspect, you indicated you were talking
5 about -- you were considering his inconsistencies in his
6 interview; is that correct?

7 A. Correct.

8 Q. And were there other things that you were
9 considering?

10 A. The scratches in particular, too, due to the fact
11 that I knew that the assailant left the home and then went
12 through some thick brush to get to the bicycle that was
13 stashed. So I knew the subject had to get some sort of
14 scratches.

15 Q. Okay. Then let me show you what's been marked as
16 Exhibit No. 2663.

17 Do you recognize this particular item?

18 A. Yes.

19 Q. What is it?

20 A. It's a map of the Granite Basin trail, trails.

21 Q. Okay. And did you obtain that map?

22 A. It was Detective Doug Brown.

23 Q. Okay. And where was that obtained?

24 A. I believe he also got it the same place I got it.
25 It was the Cayuse Day-Use Area. They provide maps there.

1 Q. Okay. And you got a map like that, also?

2 A. Yes, I did.

3 MR. BUTNER: I would move for the admission of
4 Exhibit 2663.

5 MR. SEARS: No objection.

6 THE COURT: 2663 is admitted.

7 BY MR. BUTNER:

8 Q. I'm going to try and fold this so we can take a
9 look at the whole map, first of all. That's pretty close.

10 Now, could you tell us what's depicted in
11 this particular area, or on this particular map, rather?

12 A. On this map up here, this is the -- this is the
13 trails that are here, which is 346, 347, and up here we have
14 the 309 and the Boone Court area. Love Lane is up here.

15 Q. This map is entitled "Map of Granite Basin
16 Recreation Area"; right?

17 A. Yes.

18 Q. Okay. And you already told us that you got one of
19 these maps and Doug Brown got one of these maps at the
20 Granite Basin Recreation Area?

21 A. Yes.

22 Q. Okay. And that is basically -- would you point to
23 that on the map?

24 A. I believe it's a little fuzzy.

25 Q. Right. I'm going to move this in -- zoom it in a

1 little bit for you, and try and focus it, too. Okay.

2 A. Right there. That's the Cayuse Day-Use Area.
3 That's where you park, and that's where I obtained the map.

4 Q. Okay. And this red line here that goes from up by
5 Granite Basin Lake and then heads down this direction --
6 whoops, I went right off the map -- it goes down there.

7 Where is that going?

8 A. That is the Granite Basin Road that leads you back
9 to Iron Springs Road.

10 Q. Okay. How far out is it to Iron Springs Road?

11 A. I would say three or four miles.

12 Q. Let me show you something on the map and see what
13 the Forest Service says. What does it say right down here as
14 to Iron Springs Road?

15 A. Sorry, I can't read it.

16 Q. Okay. I'm trying to see this. How about 0.7
17 miles? I'll show it to you.

18 A. Yes, you are right. It is much shorter than I
19 thought.

20 Q. So, it's a short distance out there to Iron
21 Springs Road; right?

22 A. Yes.

23 Q. Okay. And, then, I'm going to move this map down
24 a little bit so we can see what's up here in the upper
25 right-hand corner. What's depicted in the upper right-hand

1 corner of the map?

2 A. This is the Trail 309, and it leads you right to
3 Boone Court where I started bicycle riding.

4 Q. Okay. And I'm trying to focus that a little bit
5 better. All I do is press one button and it keeps moving.

6 Okay. So, right up here is Boone Court;
7 right?

8 A. Yes.

9 Q. Okay. And, then, adjacent to that is Love Lane?

10 A. Yes.

11 Q. Does it show that the trail goes onto Love Lane at
12 all?

13 A. No.

14 Q. So what location -- street location does the trail
15 start at?

16 A. It shows you that it starts right here at Boone
17 Court.

18 Q. And when you started your ride, is that why you
19 started at Boone Court?

20 A. That's where I started.

21 Q. Because you had this map and that's where you
22 thought the trail started?

23 A. Correct.

24 Q. When you went over to Love Lane, you indicated
25 earlier that you never did find actually where the trail

1 started until much later; is that correct?

2 A. Correct.

3 Q. How long was it before you found the trail
4 location by the Peterson's residence?

5 A. Approximately about a week before we spoke with
6 Girard, around that time frame.

7 Q. Okay. And let me -- I've got this oriented now,
8 hopefully, with north at the top.

9 A. Yes.

10 Q. Okay. Where's the Peterson's residence, again?

11 A. Right there.

12 Q. Okay. And is Love Lane depicted here?

13 A. Yes.

14 Q. Okay. Tell us where Love Lane is, please?

15 A. Love Lane starts here, which goes to Williamson
16 Valley this way.

17 Q. Okay. Straight out to the right there is to
18 Williamson Valley; correct?

19 A. Yes.

20 Q. Okay. And where is Boone Court?

21 A. Here.

22 Q. And that's where you parked by the tree, as you
23 pointed out before; right?

24 A. Yes. Right there.

25 Q. Okay. So you parked by that tree, and you began

1 your ride on Boone Court. And show us the path that you
2 traveled on your ride from Boone Court.

3 A. I went this way, passed here, down here, through
4 here.

5 Q. And that's when you discovered the pump house and
6 going by the Peterson's residence?

7 A. Right.

8 Q. And on your previous visits to Love Lane, you came
9 in from over here in this area; is that correct?

10 A. Yes, I came in through Love Lane and I drove up
11 this way.

12 Q. And when you encountered that area -- that
13 intersection where you were just pointing --

14 A. I actually drove partly to here, and I stopped due
15 to the fact that there is a private driveway right here.

16 Q. It's a posted private drive?

17 A. Yes.

18 Q. That little road there?

19 A. Yes.

20 Q. Okay. And is that why you had difficulty in
21 finding the trail?

22 A. Yes. That's when I backed up, and then I went
23 this way to see if I could continue to find what trail I
24 could. When I didn't, I came back, and then I went down this
25 way.

1 Q. Right. And when you went down that way, were you
2 able to find the trail then?

3 A. No.

4 Q. Still, not able?

5 A. Right.

6 Q. Now, you rode the trail from Boone Court all the
7 way down to -- and I've got Cayuse now out of the picture.
8 Let me see if I can move this up to get Cayuse in. There we
9 go.

10 So you rode the trail all the way from up
11 here at Boone Court, all the way down to Cayuse. Would you
12 show us the route that you rode, please.

13 A. I went up 309.

14 Q. Okay. Start us at Boone Court first.

15 A. Okay. Started at Boone Court. Got on 309. Went
16 to 347. And up here, I drove to -- I went to 346, which
17 takes me down to here. Makes a little loop.

18 Q. Oh, makes a little loop; doesn't it? Let me move
19 it up just a little bit.

20 A. Right there to there.

21 Q. And how long a distance was that?

22 A. It was 4.7 miles.

23 Q. So from the Boone Court trail down to the
24 Cayuse -- what do you call it? Cayuse Day-Use Center; right?

25 A. Yes.

1 Q. Okay. And that's where Renee Girard told you
2 Mr. DeMocker was going to ride?

3 A. Yes.

4 MR. SEARS: Leading. Misstates the evidence.

5 THE COURT: Sustained.

6 BY MR. BUTNER:

7 Q. Where did Renee Girard tell you Mr. DeMocker was
8 going to ride?

9 A. She took us to the Cayuse area, and then she
10 showed us Trail 346.

11 Q. And then she got Mr. DeMocker on the phone; right?

12 A. Yes.

13 Q. And when you talked to Mr. DeMocker on the early
14 morning hours of July the 3rd, where did he tell you he was
15 riding to?

16 A. He told me he was going to Granite Mountain,
17 Granite Basin Mountain.

18 Q. Okay. Would you point to that on the map?

19 A. Granite Mountain is here, and I guess you could
20 travel from here this way, or you can go from here this way
21 back to here towards the lake. So, there are many different
22 ways you could get there.

23 Q. Right. And then Renee Girard consulted with him,
24 too. And where was it she said he was going to?

25 A. To -- from here -- that from this gate at the 346,

1 that he rode back to Love Lane.

2 Q. And she told you that -- did she say she had been
3 out there before?

4 A. No.

5 Q. Never been there before?

6 A. Right.

7 Q. She hadn't been out there with Mr. DeMocker
8 before?

9 A. She hiked it with Mr. DeMocker.

10 Q. When did that occur?

11 A. Shortly after she took us there. It was within a
12 couple of weeks, I believe, that her and Mr. DeMocker
13 actually hiked that. She told us it took them two hours.

14 Q. All right. Thank you.

15 And on this same map, the Williamson
16 Valley trailhead is also depicted; right?

17 A. I believe it's up north.

18 Q. It's up further on the map. I will back it up.

19 And can you show us where the Williamson
20 Valley trailhead is?

21 A. I believe it's up here somewhere. I can't read
22 that.

23 Q. I'll see if I can move it down and zoom it in a
24 little bit so you can tell better.

25 A. There it is.

1 Q. Right up at the top corner of the map; right?

2 A. Yes.

3 Q. So that's a little further out Williamson Valley
4 from Love Lane; right?

5 A. Yes.

6 Q. Okay. This is Williamson Valley Road right over
7 here?

8 A. Correct.

9 Q. Did Mr. DeMocker ever give you an explanation as
10 to why he went out to the Love Lane trail rather than start
11 his ride from the Granite Basin area or the Cayuse Day-Use
12 Area?

13 A. I don't believe he did.

14 Q. Did Mr. DeMocker ever provide you with an
15 explanation as to why he didn't go by Carol Kennedy's house
16 that evening to pick up the X-3 or to exchange checks?

17 A. I don't believe he did. The only thing he did
18 state was that he was considering having Charlotte come and
19 pick up the vehicle, but that's as far as the explanation
20 went.

21 Q. Did he indicate to you that he was aware that he
22 owed Carol Kennedy her alimony on the 1st of the month?

23 A. Yes.

24 Q. Did he indicate to you that he was aware that she
25 should pay him his share of the 401(k)?

1 A. Yes.

2 Q. And what did he tell you about whether she was
3 going to pay it or not?

4 A. I believe he stated that she was not going to do
5 it.

6 MR. BUTNER: I don't have any further
7 questions of this witness at this time.

8 THE COURT: Thank you.

9 Ladies and gentlemen, if you have
10 additional jury questions, I am going to ask that you pass
11 them to the bailiff.

12 (Whereupon, the jury exits the courtroom.)

13 (A discussion was held in chambers regarding jury questions.)

14 (Whereupon, the jury enters the courtroom.)

15 (Whereupon, the following was held in
16 open court in front of the jury.)

17 THE COURT: Ladies and gentlemen, we are
18 doing our best to get through the many, many questions from
19 both the prior session and today, and there was a chance we
20 could come out and get started, and the thought was, really,
21 we don't want to have people wait here any longer than a few
22 minutes. So I am going to go ahead and excuse you for the
23 evening.

24 Again, remember all aspects of the
25 admonition. Avoid any kind of exposure to the case in any

1 fashion, media or otherwise. If you think there is any kind
2 of incident, anything that is of concern, be sure to bring it
3 to our attention, to my attention. I will be addressing the
4 admonition, of course, throughout this, and you have been
5 told how many times you will be reminded.

6 Remember the admonition. Take care and
7 please be assembled at 9:00 a.m., and we will resume as soon
8 as we can after that. I will ask the parties to remain.

9 Thank you.

10 (Whereupon, the jury exits the courtroom.)

11 (A discussion was held in chambers regarding jury questions.)

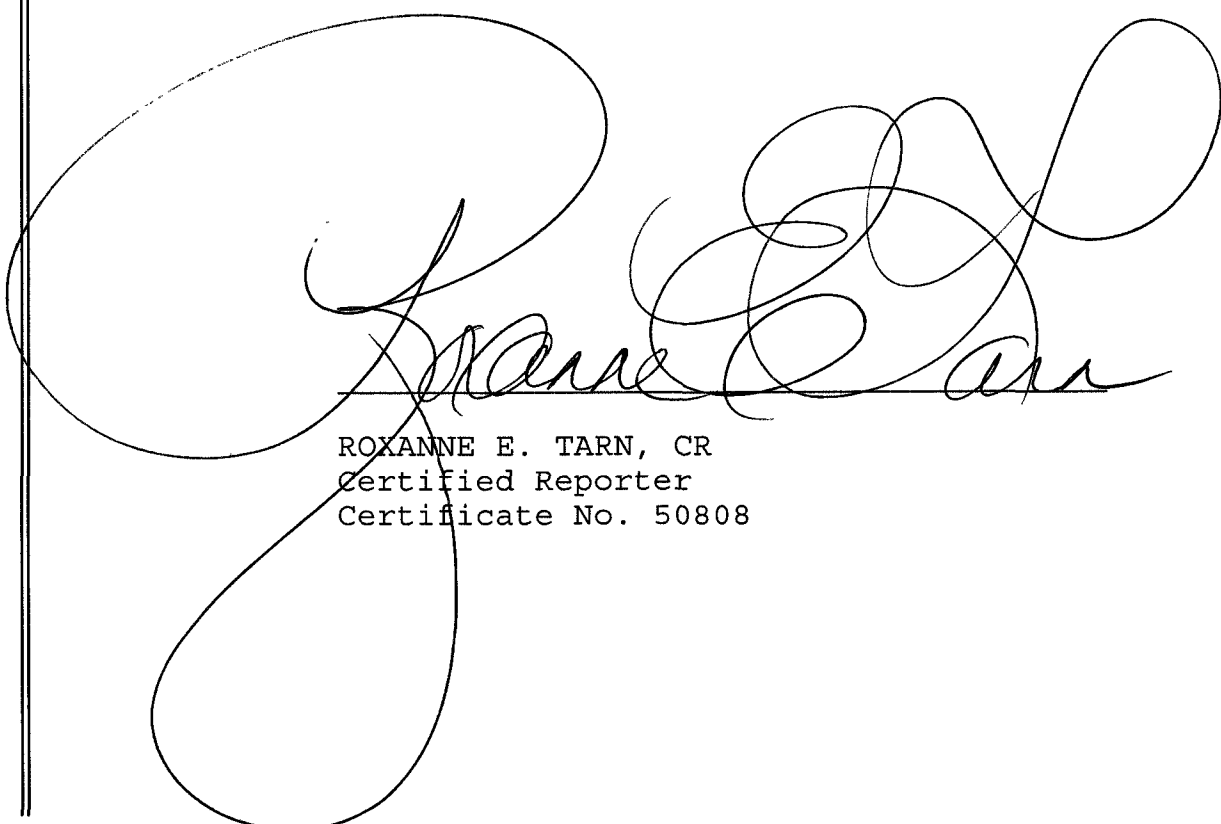
12 (Whereupon, at 4:36 p.m. the case was adjourned
13 to resume at 9:00 a.m. on July 23, 2010.)

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C E R T I F I C A T E

I, ROXANNE E. TARN, CR, a Certified Reporter
in the State of Arizona, do hereby certify that the foregoing
pages 1 - 18 constitute a full, true, and accurate transcript
of the proceedings had in the foregoing matter, all done to
the best of my skill and ability.

SIGNED and dated this 18th day of July, 2010.



ROXANNE E. TARN, CR
Certified Reporter
Certificate No. 50808